

IN THE DRAWINGS:

Please replace drawing sheet 1 with replacement sheet 1 showing the container in
Fig. 3.

REMARKS

Claims 3-18 are in the case and presented for consideration.

Applicant has amended the title of the invention, specification, abstract and drawings as suggested by the Examiner.

Claim objections

The Examiner objected to claim 1-16 due to certain informalities. Applicant respectfully requests the Examiner to specify the informalities that he or she would like the Applicant to address, if any, in light of the claim amendments.

Claim rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 1-16 under 35 U.S.C. § 112, second paragraph. The Examiner's reasons for the rejection is set forth on pages 3-4 of the December 15, 2005 Office Action.

In response, Applicant respectfully traverses the Examiner's above ground of rejection. To expedite the prosecution of this application, but without conceding the correctness of Examiner's reasons for the rejection, Applicant has canceled claims 1-2 without prejudice, amended claims 3-16, and added claims 17-18. Applicant maintains that the claims currently pending in this application do not contain the issues raised by the Examiner, and are believed to render this ground of rejection moot.

Claim rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 2 and 12-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,469,928 to Widegren. The Examiner's reasons for the

rejection are set forth on page 4 of the December 15, 2005 Office Action.

In response, Applicant respectfully traverses the Examiner's above ground of rejection. To expedite the prosecution of this application, but without conceding the correctness of the Examiner's reasons for the rejection, Applicant has canceled claims 1-2 without prejudice and amended claims 12-16. The claims as amended define patentable features, such as, for example, the combination of angles and diameters of the various sections of the body (see, e.g., claim 3), which are not taught or disclosed by Widegren. Reconsideration and withdrawal of this ground of rejection is, therefore, respectfully requested.

Claim rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 3-11 under 35 U.S.C. § 103(a) as being unpatentable over Widegren in view of U.S. Patent 5,599,125 to Vasas, et al., U.S. Patent to 4,784,505 to Dahm, or U.S. Patent 565,328 to Buhler. The Examiner's reasons for the rejection are set forth on page 5 of the December 15, 2005 Office Action.

In response, Applicant respectfully traverses the Examiner's above ground of rejection. To establish a *prima facie* case of obviousness, the initial burden is on the Examiner to show that there is suggestion or motivation in the reference for modifying or combining the teachings of the reference. See, e.g., MPEP § 2142. It is inappropriate to use applicant's disclosure as a blueprint (or to use hindsight based on knowledge obtained from applicant's patent disclosure) to reconstruct the claimed invention from selected pieces of prior art absent some suggestion, teaching, or motivation in the prior art to do so. See, e.g., *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051-52, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988); *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA

1967), cert. denied, 389 U.S. 1057(1968); In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998)("In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.").

Vasas, et al. disclose an entry (44) of a cosmetic container having alternating cylindrical and funnel-shaped sections (see, e.g., Vasas, et al., Fig. 2). Widegren (see, e.g., Fig. 2), Buhler (see, e.g., Fig. 1), and Dahm (see, e.g., Fig. 1) all show a funnel-shaped opening of a container. There is no motivation or teaching in the references, absent the benefit of hindsight, to provide, e.g., the angles along the various sections of the opening in the way done by the Applicant. The combination of angles and diameters of the various sections of the opening, as recited in the pending claims, provides a marked improvement in the cleaning (i.e., of the applicator stem surface) and sealing performance of the claimed invention over existing devices. Accordingly, the claimed inventions are not obvious from the applied references, and reconsideration and withdrawal of this ground of rejection is respectfully requested.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested. No new matter has been added.

If any issues remain, the Examiner is respectfully invited to contact the undersigned
at the number below to advance the application to allowance.

Respectfully submitted,



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